

**5453. Misbranding of "Royal Baby's Safety." U. S. \* \* \* v. Koloman Kovaes (Royal Manufacturing Co.). Plea of nolo contendere. Fine, \$50 and costs. (F. & D. No. 8102. I. S. Nos. 1001-m, 9452-k.)**

On April 2, 1917, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Koloman Kovaes, trading as the Royal Manufacturing Co., Duquesne, Pa., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about April 15, 1916, and July 8, 1916, from the State of Pennsylvania into the State of New Jersey, of quantities of an article labeled in part, "Royal Baby's Safety," which was misbranded.

Analyses of samples of the article in each shipment by the Bureau of Chemistry of this department showed that it consisted of a solution containing, among other substances, approximately  $\frac{1}{8}$  grain morphine sulphate per fluid ounce; also alcohol, sugar, Rochelle salts, emodin, volatile oil, and vegetable extractives; santolin indicated.

Misbranding of the article in each shipment was alleged in the information for the reason that the statement, to wit, "Baby's Safety," borne on the label thereof regarding the article and the ingredients and substances contained therein was false and misleading in that it represented that said article was a medicine which could be administered to babies with safety, whereas, in truth and in fact, it was an article which contained morphine sulphate, a drug harmful to children, and which could not be administered to babies with safety. It was charged in substance that the article was misbranded further in that certain statements appearing on its labels falsely and fraudulently represented it as a treatment and remedy for colic, wind colic, cholera infantum, teething trouble, cramps of the intestines, vomiting, diarrhea, and diseases of small children, when, in truth and in fact, it was not.

On April 12, 1917, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$50 and costs.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*